

LYNDON CITY COUNCIL
REGULAR MEETING MINUTES OF
December 19, 2016

The Lyndon City Council met in regular session on Monday, December 19, 2016, 7:00 p.m., at City Hall.

1. CALL TO ORDER: Council President Morrison called the meeting to order.

- a) MAYORAL OATH: the City Clerk swore in Council President Morrison as Mayor.
- b) ROLL CALL: City Clerk called roll of the City Council. Mayor Steve Morrison and members Doug Watson, Bill Patterson, and Darin Schmitt present. Ryan Kuhn absent with notification.

City Staff present: Pat Walsh, City Attorney (7:05); Julie Stutzman, City Clerk; David Wilson, Maintenance Supervisor; and Darrel Manning Chief of Police/Zoning Administrator.

Others Present: Chelsea Morris, USDA; Bruce Boettcher and Brian Foster, BG Consultants; Rita Clary, KRWA; Tammy Schlingmann, Osage Herald Chronicle; and Sam Stitt.

2. ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- a) Watson made the motion to approve the regular meeting minutes of December 5, 2016 as written. Patterson seconded, motion carried.
- b) Patterson made the motion to approve the special meeting minutes of December 12, 2016 as written. Watson seconded, motion carried.

3. CONSENT AGENDA:

- a) Approval of Bills: Patterson made the motion to approve the bills as set forth. Schmitt seconded, motion carried.

4. PUBLIC COMMENTS: None.

5. CORRESPONDENCE TO COUNCIL:

- Copy of letter from Rod Geisler from KDHE stating the Cost and Effectiveness certificate was approved.
- Pledge of Securities from Lyndon State Bank as of November 30, 2016.
- Copy of letter from MediaCom regarding local broadcast and regional sports surcharge and HSD changes.

6. UNFINISHED BUSINESS:

- a) RESOLUTION 2016-8 - KDHE REPRESENTATIVE AUTHORIZATION: Council received a copy of the resolution that authorizes Mayor Morrison as a representative to act on behalf of the City for filing and executing the loan through

KDHE. Schmitt made the motion to approve and authorize the City Clerk to sign as the recording officer for Resolution 2016-8. Patterson seconded, motion carried.

Patterson made the motion to authorize Morrison as the authorized representative for the KDHE loan. Schmitt seconded motion carried.

b) LOAN RESOLUTION 2016-9 - USDA: Council received a copy of the resolution that authorizes the City to issue bonds to pay for the project and USDA/Rural Development. Ms. Morrison stated the loan is in the amount of \$7,673,000 and the grant is \$1,417,000. She also stated that CDBG and KDHE funding are included on the document. Watson made the motion to approve and authorize the Mayor to sign Loan Resolution 2016-9. Schmitt seconded, motion carried.

c) USDA GRANT AGREEMENT: A copy of the grant agreement with USDA was provided to Council for review and was reviewed by the City Attorney. Ms. Morris stated the total project cost is \$10,990,000; the City is financing \$9,573,000, and making a grant for \$1,417,000, which is approximately 13% of the project cost in conjunction with the loan. The City Attorney asked is if the \$9.5 million included the loan forgiveness and potential CDBG grant and Ms. Morris concurred. No vote needed as Resolution 2016-9 authorizes the Mayor to sign the agreement.

The City Attorney asked when the interest rate for the loan is locked in and Ms. Morris stated it will be locked in when the funds are obligated on December 29 or December 30 after the FONSI has been published.

d) REQUEST FOR OBLIGATION OF FUNDS: Council was provided a copy of the request for informational purposes and discussion. No vote needed and the City will get a signed copy from USDA once the funds are obligated.

e) PROCUREMENT RESOLUTION 2016-10 - USDA: A copy of the resolution was provided to Council which states the code of conduct and procurement standards that apply to contracts and expenditures paid for with USDA funds. Patterson made the motion to adopt and authorize the City Clerk to certify Resolution 2016-10. Watson seconded, motion carried.

f) ORGANIZATIONAL OPINION: The Council received a completed copy of the certification of qualified and acting officers for the City; certified by the City Clerk and no action needed.

g) LETTER OF INTENT TO MEET CONDITIONS: Council received a copy of the Letter of Intent to Meet Conditions for USDA with an end date of September 25, 2017. Ms. Morris reviewed the document in detail with Council and answered questions. She also stated the budget for operation and maintenance were reduced in the categories of salaries and utilities due to a lagoon system, which requires less than operating a mechanical plant. After a lengthy discussion, Schmitt made the motion to authorize the Mayor to sign the Letter of Intent to Meet Conditions. Watson seconded, motion carried.

Ms. Morris stated the next step is to wait for the environmental review period before funds are obligated. She stated the City would receive a copy of the signed documents and a letter authorizing us to notify the engineer to proceed with the final design for the project. Ms. Morris stated due to the holidays it will be around mid-January.

Ms. Morris stated they did conduct the environmental review and found no Finding of Significant Impact (FONSI). She provided the Council with a copy of the FONSI and the publication that will be published on paper on December 29 stating there was no comment, the project will have no adverse affect on the environment and that it is okay to proceed.

- h) WASTEWATER TREATMENT FACILITY IMPROVEMENT PROJECT: Mr. Boettcher provided an updated timeline for the project and reviewed those with Council. He stated they would like to be able to proceed with the final design for the project in January or early February.

Patterson made the motion to recess to executive session for 20 minutes for discussion prior to the acquisition of real estate with the City Attorney and BG Consultant engineers attending. Schmitt seconded, motion carried. Council reconvened with no binding action taken.

Schmitt made the motion to recess to executive session for an additional 10 minutes for discussion prior to the acquisition of real estate with the City Attorney and BG Consultant engineers attending. Patterson seconded, motion carried. Council reconvened with no binding action taken.

- i) CEREAL MALT BEVERAGE LICENSE - EZ ROCK: Schmitt made the motion to approve and authorize the Mayor to sign the CMB license for EZ Rock Cafe. Patterson seconded, motion carried.
- j) ELECTION OF NEW COUNCIL PRESIDENT: Patterson made the motion to elect Darin Schmitt as the Council President. Watson seconded, motion carried.

7. NEW BUSINESS:

- a) SEWER ABATEMENTS: The City Clerk stated that in November and December a couple of residents had water leaks and have requested sewer abatements. The City Clerk stated the leaks were certified by maintenance.

After a lengthy discussion, Schmitt made the motion to approve the sewer abatement for Ms. Sells in the amount of \$529.55. Watson seconded motion carried.

Schmitt made the motion to approve the sewer abatement for Ms. Moon in the amount of \$38.56. Patterson seconded motion carried.

8. STAFF REPORTS:

- a) POLICE: The Council received a copy of a report regarding the property at 519 West 10th in disrepair from a fire earlier this year and has been a blight property for approximately nine years. The Chief of Police discussed his concerns with the Council at length in regards to no utilities at the property and the unsafe living conditions. The City Attorney discussed the situation and current ordinances with the Chief of Police and the Council took no action at this time. The City Attorney stated he would look into other ordinances and make some calls.

The Chief stated the City also needs to look into ordinances in regards to residents living in campers and RV's in City limits and limiting the time allowed.

- b) PLANNING AND ZONING: No report and no meeting due to lack of quorum.
- c) PUBLIC WORKS: The Maintenance Supervisor provided Council with the Maintenance Activity report.

The Maintenance Supervisor discussed the new Lead and Copper rule requirements and is working on a gathering a testing pool by sending out brochures and letters requesting assistance from property owners.

Mayor Morrison stated another resident talked with him about sidewalks and pathway bridges in disrepair and revisited the situation with the Council and Maintenance Supervisor. They discussed at length the current ordinance and the possibility of a policy and/or procedure for removal or repair of sidewalks and bridges in disrepair.

- d) CITY CLERK: The Council received a copy of the Clerk's report and discussed briefly. The City Clerk stated she has completed the first disbursement to KDHE for funding and it will be sent out tomorrow to Brenda Diegel.

9. COUNCIL/MAYOR COMMENTS AND REPORTS: None.

Patterson thanked the City Clerk for her efforts in the paperwork involved with the sewer plant project and requested sewer project information are put in a separate book.

Patterson inquired about the streetlights that are still out and the City Clerk stated she will check on the last time a list was submitted.

Schmitt asked about progress with the ball field lights at Jones Park and it was noted there was only preliminary discussion with the lighting company and will need to be revisited after the first of the year.

10. EXECUTIVE SESSION: See item 7h.

11. ADJOURNMENT: Patterson made the motion to adjourn to Tuesday, January 3, 2017, at 7:00 p.m. for regular meeting. Watson seconded, motion carried.


City Clerk